7-30-01 A / box seq

Express Mail Label No. EL920216306US

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No. 883933.0066

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

JC525 U.S. PTO 07/27/01

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

METHODS FOR THE CONTROLLED, AUTOMATIC EXCISION OF HETEROLOGOUS DNA FROM TRANGENIC PLANTS AND DNA-EXCISING GENE CASSETTES FOR USE THEREIN

J1036 U.S. PTO 09/916780 07/27/01

and invented by:

Yi LI, Colum P. O'DONNELL, Hui DUAN, Yan Hong WU and Richard McAVOY

If a CONTINUATION APPLICATION, *check appropriate box and supply the requisite information:*

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below

2. ☒ Specification having 44 pages and including the following:

 a. ☒ Descriptive Title of the Invention
 b. ☒ Cross References to Related Applications *(if applicable)*
 c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 d. ☐ Reference to Microfiche Appendix *(if applicable)*
 e. ☒ Background of the Invention
 f. ☒ Brief Summary of the Invention
 g. ☒ Brief Description of the Drawings *(if drawings filed)*
 h. ☒ Detailed Description
 i. ☒ Claim(s) as Classified Below
 j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No. 883933.0066
Total Pages in this Submission

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
 a. ☒ Formal b. ☐ Informal Number of Sheets 6

4. ☒ Oath or Declaration
 a. ☐ Newly executed *(original or copy)* ☒ Unexecuted
 b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
 c. ☒ With Power of Attorney ☐ Without Power of Attorney
 d. ☐ *DELETION OF INVENTOR(S)*
 Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche

7. ☒ Genetic Sequence Submission *(if applicable, all must be included)*
 a. ☒ Paper Copy
 b. ☒ Computer Readable Copy
 c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers *(cover sheet & documents)*

9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*

10. ☐ English Translation Document *(if applicable)*

11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Acknowledgment postcard

14. ☒ Certificate of Mailing
 ☐ First Class ☒ Express Mail *(Specify Label No.):* EL920216306US

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity) *(Only for new nonprovisional applications under 37 CFR 1.53(b))*	Docket No. 883933.0066
	Total Pages in this Submission

Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☒ Small Entity Statement(s) - **Applicant qualifies for Small Entity Status.**

17. ☒ Additional Enclosures *(please identify below):*

Duplicate copy of computer readable disc for the genetic sequence

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

Express Mail Label No. EV 326 930 245 US

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
883933.0066
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra		Rate	Fee
Total Claims	22	- 20 =	2	x	$9.00	$18.00
Indep. Claims	3	- 3 =	0	x	$40.00	$0.00
Multiple Dependent Claims (check if applicable) ☐						$0.00
					BASIC FEE	$355.00
OTHER FEE *(specify purpose)*						$0.00
					TOTAL FILING FEE	$373.00

☒ A check in the amount of **$373.00** to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **11-0231** as described below. A duplicate copy of this sheet is enclosed.

- ☐ Charge the amount of as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: **July 27, 2001**

Signature

Daniel F. Coughlin, Reg. No. 36,111
Cummings & Lockwood
P. O. Box 1960
New Haven, CT 06506-1960
Tele: (203) 351-4622

cc:

883933.0066 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:		)
	Yi Li, Colum P. O'Donnell, Hui Duan	)
	Yan Hong Wu and Richard McAvoy	)
		)
Serial No.:	(Unassigned)	)
		)
Filed:	July 27, 2001	)
		)
For:	METHODS FOR THE CONTROLLED,	)
	AUTOMATIC EXCISION OF HETERO-	)
	LOGOUS DNA FROM TRANGENIC	)
	PLANTS AND DNA-EXCISING GENE	)
	CASSETTES FOR USE THEREIN	)

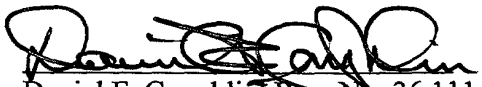
BOX SEQUENCE
Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF SEQUENCE LISTING

Dear Sir:

Transmitted herewith is a copy of the "Sequence Listing" in paper form for the above-identified patent application as required by 37 C.F.R. § 1.821(c) and two copies of the "Sequence Listing" in computer readable form as required by 37 C.F.R. § 1.821(e). As required by 37 C.F.R. § 1.821(f), Applicants' Attorney hereby states that the content of the "Sequence Listing" in paper form and the computer readable form of the "Sequence Listing" are the same.

Respectfully submitted,



Daniel F. Coughlin, Reg. No. 36,111
CUMMINGS & LOCKWOOD
Granite Square
700 State Street, P.O. Box 1960
New Haven, CT 06509-1960
United States of America
Tel.: (203) 351-4622